

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

A.H., a minor, individually and as successor in interest to decedent, Richard Hayes, by and through his Guardian ad Litem, Tiffany Hayes; SOPHIA HAYES, individually and as successor in interest to decedent, Richard Hayes, Tiffany Hayes; and TIFFANY HAYES, individually and as successor in interest to decedent, Richard Hayes,

Plaintiffs,

vs.

COUNTY OF LOS ANGELES, et al.,

Defendants.

Case No.: 2:22-CV-03671 WLH (ASx)

**ORDER APPROVING  
PLAINTIFFS' UNOPPOSED *EX PARTE* APPLICATION FOR  
COMPROMISE OF THE CLAIMS  
OF MINOR PLAINTIFF A.H. [100]**

1        This Court, having considered Timothy Janson’s Petition for Compromise of  
2 the Claims of minor Plaintiff A.H., and having found that A.H.’s interests are  
3 protected, *Robidoux v. Rosengren*, 638 F.3d 1177, 1179 (9th Cir. 2011),<sup>1</sup> the Court  
4 hereby **GRANTS** the Petition and makes the following orders:

- 5            1. The settlement of minor A.H.’s action against the Defendants in the net  
6 amount of \$203,393.69 is hereby approved.
- 7            2. Defendants, through counsel, shall prepare and deliver the drafts for the  
8 gross settlement proceeds in the amount of \$975,000 no later than  
9 forty-five (45) days from the date of this Order, payable as follows:
  - 10              a) Defendants will purchase a structured annuity for the minor Plaintiff  
11              A.H. in the amount of \$203,393.69 from Pacific Life & Annuity  
12              Services, Inc. (hereinafter referred to as “Assignee(s)”), which will  
13              provide periodic payments to be made by Pacific Life Insurance  
14              Company (hereinafter referred to as “Annuity Carrier(s)”) rated A+  
15              Class XV by A.M. Best Company. Defendants shall ensure that the  
16              annuity is funded within 45 days of the issuance of this Order.
  - 17              b) Within 45 days of the signing of this Order, a draft for \$771,606.31  
18              shall be made payable to the “Law Offices of Dale K. Galipo, Client  
19              Trust Account.” These funds shall be used to satisfy the following:  
20                  (1) contingency attorneys’ fees owed by the four plaintiffs in the  
21                  total amount of \$341,250, which is 35% of the gross settlement; (2)  
22                  the advanced litigation costs (\$23,568.93); (3) the net settlement  
23                  amount to the adult plaintiffs, Tiffany Hayes (\$203,393.69) and  
24                  Sophia Hayes (\$203,393.69).

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27              <sup>1</sup> Plaintiff A.H.’s net recovery is larger than net recoveries approved by similar cases. *Est. of Saucedo v. City of N. Las*  
28              *Vegas*, No. 211CV02116GMNNJK, 2020 WL 1982288, at \*3 (D. Nev. Apr. 15, 2020), *report and recommendation*  
            adopted, No. 211CV02116GMNNJK, 2020 WL 2105017 (D. Nev. Apr. 30, 2020) (collecting cases and approving  
settlement providing net recovery of \$56,647 to minor plaintiff who lost a parent in an officer-involved shooting).

1       2. For A.H., annuity Carrier(s) shall provide periodic payments in  
2 accordance with “Exhibit A” to the Declaration of Renee V. Masongsong and as set  
3 forth as follows:

4           \$20,000.00 Lump Sum Payment on 7/04/2027  
5           \$20,000.00 Lump Sum Payment on 7/04/2029  
6           \$25,000.00 Lump Sum Payment on 7/04/2031  
7           \$35,000.00 Lump Sum Payment on 7/04/2033  
8           \$199,250.00 Lump Sum Payment on 7/04/2035

9       4. All sums and periodic payments set forth in the section entitled  
10 Payments constitute damages on account of personal injuries or illness, arising from  
11 an occurrence, within the meaning of Section 104(a)(2) of the Internal Revenue  
12 Code of 1986, as amended.

13      5. Disbursement drafts will be made payable to and will begin being  
14 issued directly to A.H. upon reaching the age of maturity according to the payment  
15 schedule as set forth above and in “Exhibit A” to the Declaration of Renee V.  
16 Masongsong filed concurrently herewith.

17      6. Defendants will make a “qualified assignment” within the meaning of  
18 Section 130(c), of the Internal Revenue code of 1986, as amended, to Assignee(s),  
19 of the Defendants’ liability to make the periodic payments as described above and in  
20 “Exhibit A” to the Declaration of Renee V. Masongsong. Such assignment, when  
21 made, shall be accepted by Plaintiff A.H. without right of rejection and shall  
22 completely release and discharge Defendants from such obligations hereunder as are  
23 assigned to Assignee(s).

24      7. Defendants and/or Assignee(s) shall have the right to fund its liability  
25 to make periodic payments by purchasing a “qualified funding asset,” within the  
26 meaning of Section 130(d) of the Code, in the form of an annuity policy from the  
27 Annuity Carrier(s).

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1       8. The Assignee(s) shall be the owner of the annuity policy or policies,  
2 and shall have all rights of ownership.

3       9. The Assignee(s) may have Annuity Carrier(s) transmit payments  
4 directly to A.H. as set forth above. Timothy Janson (until Plaintiff A.H. reaches the  
5 age of majority) and then A.H. shall be responsible for maintaining the currency of  
6 the proper mailing address and mortality information to Assignee(s).

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## IT IS SO ORDERED.

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11 | Dated: February 18, 2025

HON. WEŚLEY HSU  
UNITED STATES DISTRICT JUDGE

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